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December 18, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Magalie R. Salas, Esquire

Secretary

Federal Communications Commission

236 Massachusetts Avenue, N.E.

Suite 110

Washington, D.C. 20002

Re: Amendment of Section 73.202(b),
Table of Allotments, FM Broadcast Stations
(Cherokee, Oklahoma)
MM Docket No. 01-291; RM-10301

Dear Ms. Salas:

Transmitted herewith on behalf of Chisholm Trail Broadcasting Co. are an original and four copies of its "Reply Comments" filed in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN
& OSHINSKY LLP



Andrew S. Kersting
Counsel for
Chisholm Trail Broadcasting Co.

Enclosure

cc: Certificate of Service (w/ encl.) (by hand & first-class mail)

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC 18 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 01-291
Table of Allotments,) RM-10301
FM Broadcast Stations)
(Cherokee, Oklahoma))

To: Chief, Allocations Branch

REPLY COMMENTS

Chisholm Trail Broadcasting Co. ("Chisholm Trail"), licensee of Station KXLS(FM), Lahoma, Oklahoma, by counsel and pursuant to Section 1.420 of the Commission's rules, hereby submits its comments in reply to the "Counterproposal," filed November 29, 2001, by Robert Fabian ("Fabian") in the above-captioned proceeding. In support of this reply, the following is stated:

In its "Comments and Counterproposal," filed December 3, 2001 ("Counterproposal"), Chisholm Trail noted that on November 30, 2001, it filed an application to move the transmitter of Station KXLS(FM) to a new site and increase the station's effective radiated power from 9.6 kW to 25 kW (File No. BPH-20011130AAE) ("Application"). Chisholm Trail demonstrated that if the reference coordinates for the proposed allotment of Channel 237C2 at Cherokee, Oklahoma, were to be moved approximately 2.8 kilometers to the west of Cherokee, both the reference point for the proposed allotment of Channel 237C2 at Cherokee and the proposed transmitter site for Station KXLS would be fully spaced. Chisholm Trail Counterproposal, p. 2. Furthermore, because the *Notice of Proposed Rule Making*, DA 01-2376 (released October 12, 2001), in

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this proceeding proposed to allot Channel 237C2 to Cherokee with a site restriction of 23.9 kilometers southwest of the community, Chisholm Trail's Application and its accompanying request to move the reference coordinates for the proposed allotment at Cherokee 2.8 kilometers further to the west would have, at most, a minimal impact upon the proposed Channel 237C2 facility at Cherokee. *Id.*

On November 29, 2001, Fabian filed a counterproposal in which he proposed the allotment of Channel 237A at both Cherokee and Ft. Supply, Oklahoma. The reference coordinates for Fabian's proposed allotments at Cherokee and Ft. Supply are, respectively, NL: 36-43-33; WL: 98-19-14; and NL: 36-35-48; WL: 99-36-19. *See* Fabian Counterproposal, p. 1. If Fabian's counterproposal were to be granted, it arguably would provide greater public interest benefits than the proposed allotment of Channel 237C2 at Cherokee because Fabian's proposal would bring a first local transmission service to two communities, rather than only one, and thereby promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of broadcast stations among the various states and communities. 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing goal of Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing goal of Section 307(b) to "secure local means of expression"). Moreover, because Cherokee is a Census Designated Place with a population of only 1,700, it does not warrant the allotment of a Class C2 facility at the expense of depriving the community of Ft. Supply of a first local transmission service.

However, as demonstrated in the attached engineering statement of William H. Nolan,¹ the proposed allotments of Channel 237A at Cherokee and Ft. Supply can be achieved while still accommodating the pending KXLS Application. Chisholm Trail respectfully requests that the reference coordinates for the proposed Channel 237A allotments at Cherokee and Ft. Supply be moved to NL: 36-46-19; WL: 98-24-11; and NL: 36-33-32; WL: 99-39-39. As shown in the attached engineering statement, the proposed reference coordinates for the allotment of Channel 237A at Cherokee are only 4.5 kilometers from the center of the community, which is approximately the same distant as that specified in Fabian's counterproposal (albeit it northwest of the community, rather than southeast). *See* Appendix A, p. 3. Moreover, the proposed reference coordinates for the proposed allotment of Channel 237A at Ft. Supply are only 8.2 kilometers from the center of that community. *Id.* Both of these proposed reference coordinates are fully spaced and would enable the proposed Class A stations to place a 70 dBu contour over their entire community of license. *Id.*

In the event the Commission finds that the proposed allotments of Channel 237A at Cherokee and Ft. Supply would provide greater public interest benefits than the proposed allotment of Channel 237C2 at Cherokee alone, Chisholm Trail respectfully requests that Channel 237A be allotted to Cherokee and Ft. Supply at the respective reference coordinates specified herein. On the other hand, if the Commission should determine that the public interest would be better served by the allotting Channel 237C2 to Cherokee in lieu of the allotments proposed in Fabian's counterproposal, Chisholm Trail respectfully requests that the reference coordinates for the Channel 237C2 allotment be

¹ Mr. Nolan's engineering statement is appended hereto as Appendix A.

those specified in Chisholm Trail's Counterproposal (*i.e.*, NL: 36-41-03; WL: 98-38-34).
See Chisholm Trail Counterproposal, p. 1.

In the event (i) the proposed allotments of Channel 237A at Cherokee and Ft. Supply are made at the reference coordinates specified herein, or (ii) Chisholm Trail's counterproposal is granted and Channel 237C2 is allotted to Cherokee at the reference coordinates specified in its counterproposal; and Chisholm Trail's pending Application for Station KXLS(FM), Lahoma, Oklahoma is granted, Chisholm Trail will promptly construct and operate the upgraded Class C3 facility at Lahoma.

WHEREFORE, in light of the foregoing, Chisholm Trail Broadcasting Co. respectfully requests that the Commission (i) GRANT its counterproposal, AMEND the FM Table of Allotments, and ALLOT Channel 237C2 to Cherokee, Oklahoma, as that community's first local broadcast service at the reference coordinates specified in its Comments and Counterproposal, or, alternatively, (ii) GRANT this reply, AMEND the FM Table of Allotments by ALLOTING Channel 237A to Cherokee and Ft. Supply, Oklahoma, respectively, as a first local broadcast service at each of those communities at the reference coordinates specified herein.

Respectfully submitted,

Dickstein Shapiro Morin & Oshinsky LLP
2101 L Street, N.W.
Washington, DC 20037-1526
(202) 785-9700

Attorneys for
CHISHOLM TRAIL BROADCASTING CO.

By: 
Andrew S. Kersting

December 18, 2001

APPENDIX A

ENGINEERING STATEMENT OF WILLIAM H. NOLAN



KXLS Site Change & Power Increase

Reply Comments

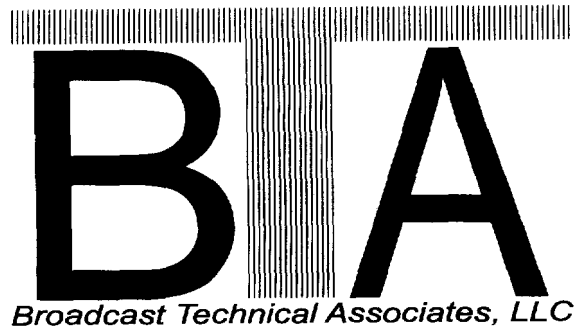
**File No: BPH20011130AEE
Channel 239 C3
Lahoma, OK**

Prepared for:

Chisholm Trail Broadcasting Co.

December, 2001

**Section 1: Certification of Engineer
Section 2: Engineering Statement of Purpose
Section 3: Cherokee, OK (Exhibits A & B)
Section 4: Ft. Supply, OK (Exhibits C & D)**



Certification of Engineer

I, William H. Nolan, with offices at 1632 S. Maize Road, Wichita, KS, have been retained for the purpose of preparing the technical data forming this report.

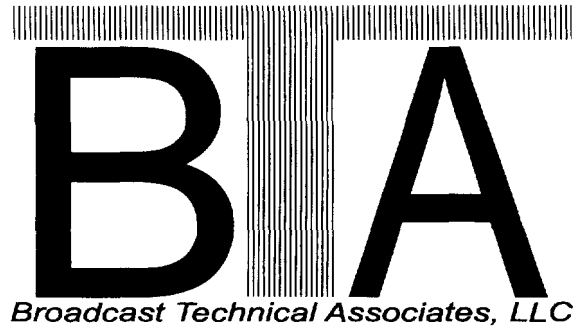
My work is a matter of record before the Federal Communications Commission. I have filed numerous applications that have been subsequently granted by the Commission. I have spent 20 years in the broadcast industry, and have designed and constructed numerous radio stations in that time, including AM and FM facilities.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

Signed: *William H. Nolan*

Date: 12/17/2001

William H. Nolan
Managing Member
Broadcast Technical Associates, LLC
(316) 990-8285



Engineering Statement of Purpose

Chisholm Trail Broadcasting Co. (Chisholm) filed for a power increase and site change for licensed station KXLS. (File No. BPH20011130AEE) Chisholm requested an allotment coordinate change at Cherokee, OK 237C2 to facilitate this upgrade application.

A counterproposal was filed requesting first local service at Fort Supply, OK on 237A, and downgrading the proposed allotment at Cherokee, OK from 237C2 to 237A. This counterproposal requested allotment coordinates of N 36-43-33, W 98-19-14 for the Cherokee allotment, and N 36-35-48, W 99-36-19 for the Fort Supply allotment.

It is possible to facilitate the KXLS application, as well as the allotment requests at Cherokee and Fort Supply by changing the reference coordinates for both proposed first local services.

Cherokee, OK 237A could be moved to N 36-46-19, W 98-24-11. This site is 4.5 km distant from the city of Cherokee, and provides excellent city grade coverage (70 dbu) of the community. It is also a fully spaced allotment. (See exhibits A & B)

Fort Supply, OK 237A could be moved to N 36-33-32, W 99-39-39. This site is 8.2 km distant from the city of Fort Supply, and provides excellent city grade coverage (70 dbu) of the community. It is also a fully spaced allotment. (See exhibits C & D)

In summary, Chisholm feels that it is possible to provide first local service to Cherokee, OK and Fort Supply, OK while giving KXLS the opportunity to better serve its community with an improved signal.

Respectfully Submitted,

William H. Nolan

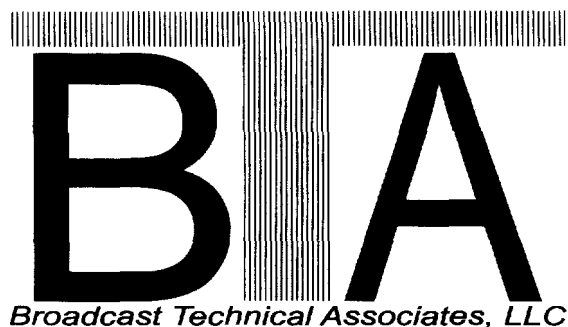


Exhibit A

Cherokee OK
Channel 237A

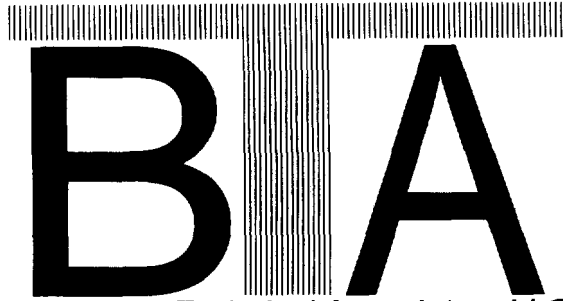
REFERENCE
36 46 19 N
98 24 11 W

CLASS = A
PR & VI Spacings

DISPLAY DATES
DATA 12-11-01
SEARCH 12-17-01

----- Channel 237 - 95.3 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.				HAAT		
RADD	ADD 237C2	Cherokee	OK	21.40	233.5	166.0	-144.60
36 39 27	98 35 45		50.000 kW		150 M		
KXLS.A APP	239C3	Lahoma	OK	41.62	128.9	42.0	-0.38
36 32 12	98 02 26	CX	25.000 kW		92 M		
	Chisholm Trail Broadcastin		BPH20011130AEE				
ALLO	VAC 239C3	Lahoma	OK	41.62	128.9	42.0	-0.38
36 32 12	98 02 26		25.000 kW		100 M		
RADD	237A	Ft. Supply	OK	114.91	258.5	115.0	-0.09
36 33 32	99 39 39		0.000 kW		100 M		
KICTFM LIC	236C1	Wichita	KS	137.69	33.7	133.0	4.69
37 47 58	97 31 58	CN	100.000 kW		274 M		
	Journal Broadcast Corporat		BLH19821217AK				
KXLS	LIC 239C3	Lahoma	OK	51.92	138.7	42.0	9.92
36 25 14	98 01 12	ZCN	9.600 kW		153 M		
	Chisholm Trail Broadcastin		BLH19950717KB				
KQMX.C CP	238C2	Clinton	OK	156.47	199.8	106.0	50.47
35 26 40	98 59 22	CX	25.000 kW		213 M		
	Wright Broadcasting System		BPH20001027AAY				
KQMX	LIC 238C2	Clinton	OK	156.47	199.8	106.0	50.47
35 26 40	98 59 22	CN	40.000 kW		122 M		
	Wright Broadcasting System		BLH19950717KA				
KWEN	LIC 238C	Tulsa	OK	216.21	106.6	165.0	51.21
36 11 46	96 05 53	CY	100.000 kW		405 M		



Broadcast Technical Associates, LLC

Cxr Holdings, Inc. BLH19861021KD
KQSR LIC 234C Oklahoma City OK 154.04 147.6 95.0 59.04
35 35 52 97 29 22 ZCY 100.000 kW 372 M
Clear Channel Broadcasting BLH20000105AAN

KAZY LIC 240A Woodward OK 93.84 244.9 31.0 62.84
36 24 40 99 21 05 C 6.000 kW 100 M
Shaffer Communications Gro BLH20001220AAZ
KOLS LIC 238C1 Dodge City KS 197.50 299.9 133.0 64.50
37 38 28 100 20 40 CN 100.000 kW 176 M
Waitt Radio, Inc. BLH19880209KD

Latitude: 36-46-19 N
Longitude: 098-24-11 W
Power: 6.00 kW
Channel: 237
Frequency: 95.3 MHz
AMSL Height: 470.023 m
Elevation: 367.09 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

B A
Broadcast Technical Associates, LLC

Alva

RADD

Cherokee

Alfa

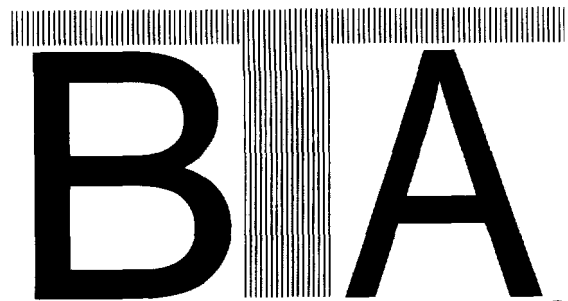
F(50,50) 70.0 dBu

Exhibit B

Scale 1:187,500

kn

0 2 4



Broadcast Technical Associates, LLC

Exhibit C

Ft. Supply, OK
Channel 237A

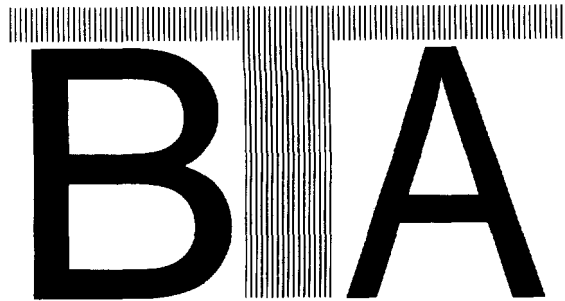
REFERENCE
36 33 32 N
99 39 39 W

CLASS = A
PR & VI Spacings

DISPLAY DATES
DATA 12-11-01
SEARCH 12-17-01

----- Channel 237 - 95.3 MHz -----

Call	Channel	Location	Dist	Azi	FCC	Margin	
N. Lat.	W. Lng.	Power	HAAT				
RADD	ADD 237A	Cherokee	OK	114.91	77.7	115.0	-0.09
36 46 19	98 24 11	6.000 kW	91 M				
KAZY	LIC 240A	Woodward	OK	32.22	120.6	31.0	1.22
36 24 40	99 21 05	6.000 kW	100 M				
		Shaffer Communications Gro	BLH20001220AAZ				
KOLS	LIC 238C1	Dodge City	KS	134.60	333.5	133.0	1.60
37 38 28	100 20 40	100.000 kW	176 M				
		Waitt Radio, Inc.	BLH19880209KD				
970722 APP	235C1	Canadian	TX	82.44	228.8	75.0	7.44
36 04 06	100 21 01	100.000 kW	146 M				
		Kanza Society Inc	BPH19970722MB				
KOLS.C CP	238C1	Dodge City	KS	163.16	339.4	133.0	30.16
37 55 56	100 19 02	100.000 kW	246 M				
		Waitt Radio, Inc.	BMPH19980309IH				
ALLO	VAC 235C1	Canadian	TX	105.26	218.9	75.0	30.26
35 49 10	100 23 38	100.000 kW	299 M				
		RM					
KQMX	LIC 238C2	Clinton	OK	137.68	153.8	106.0	31.68
35 26 40	98 59 22	40.000 kW	122 M				
		Wright Broadcasting System	BLH19950717KA				
KQMX.C CP	238C2	Clinton	OK	137.68	153.8	106.0	31.68
35 26 40	98 59 22	25.000 kW	213 M				
		Wright Broadcasting System	BPH20001027AAY				
970724 APP	235C1	Canadian	TX	130.84	217.9	75.0	55.84
35 37 35	100 33 00	100.000 kW	157 M				
		ZCN					



Broadcast Technical Associates, LLC

Pampa Broadcasters Inc
KEYEFM LIC 240A Perryton
36 21

BPH19970724NE

TX 102.55 258.2 31.0 71.55

RADD

Latitude: 36-33-32 N
Longitude: 099-39-39 W
Power: 6.00 kW
Channel: 237
Frequency: 95.3 MHz
AMSL Height: 743.39 m
Elevation: 650.14 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

B A
Broadcast Technical Associates, LLC

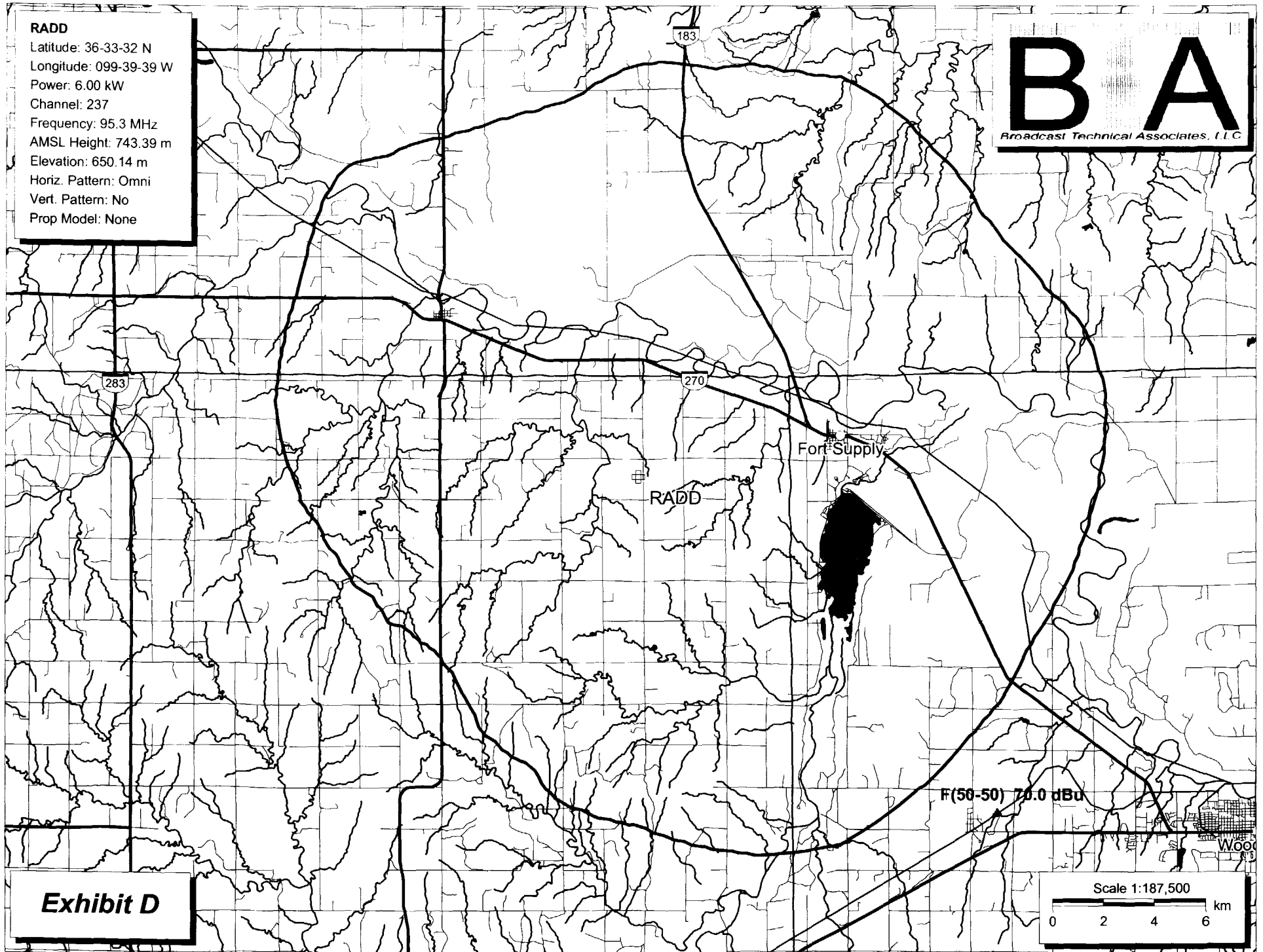


Exhibit D

CERTIFICATE OF SERVICE


I hereby certify that on this 18th day of December, 2001, a copy of the foregoing REPLY COMMENTS were sent by first-class mail, postage prepaid, to the following:

John A. Karousos, Chief*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
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Ms. Nancy Joyner*
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Andrew Kersting

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